

Utah Canning Co., Ogden, Utah, on or about September 29, 1930, and had been transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Black & White Brand Tomato Catsup * * * Haas Baruch & Co., Los Angeles, Calif., Distributors."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On December 1, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18892. Adulteration and misbranding of canned minced clams. U. S. v. 96 Cartons of Canned Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26507. I. S. No. 22231. S. No. 4809.)

Examination of samples of canned minced clams from the shipment herein described having shown that the article contained excessive brine and that the packages failed to bear a plain and conspicuous statement of the quantity of the contents, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On June 18, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 96 cartons of canned minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Ocean Park, Wash., on or about May 14, 1931, and had been transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cans containing the article were unlabeled.

It was alleged in the libel that the article was adulterated in that excessive brine had been substituted in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 10, 1931, Wiegardt Bros., Ocean Park, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$800, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act and other existing laws.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18893. Misbranding of cottonseed cake and meal. U. S. v. Otho L. Nikles (Southland Cottonseed Products Co.). Plea of guilty. Fine, \$70. (F. & D. No. 25722. I. S. Nos. 18307, 18308, 18309, 18310.)

Samples of cottonseed meal and cake from the shipments herein described having been found to contain less protein than represented on the labels, and the sacks in certain of the consignments having been found to contain less than the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Missouri.

On July 6, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against Otho L. Nikles, trading as the Southland Cottonseed Products Co., North Kansas City, Mo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about July 24, August 16, August 23, and August 29, 1930, from the State of Missouri into the State of Kansas, of quantities of cottonseed meal and cake that was misbranded.

The article was labeled in part, variously: "100 Lbs. Net Weight Cottonseed Cake and Meal 'Superior Quality' * * * Guaranteed Analysis Protein not less than 43 per cent * * * Distributed by Superior Cake & Meal Co. * * * Kansas City, Mo.," "100 Pounds Net Weight When Packed Cotton Seed Meal or Cake Manufactured By Southland Cotton Seed Products Co., North Kansas City, Mo. Analysis Protein 43 per cent;" "Weight 100 Pounds

Net 'Chickasha Prime' Cottonseed Cake or Meal * * * * * Guaranteed Analysis Protein not less than 43 per cent."

It was alleged in the information that the article was misbranded in that the statements, "Guaranteed Analysis, Protein, not less than 43%," or "Analysis Protein 43 per cent," appearing on the tags attached to the sacks containing the article, and the statement, "100 Lbs. Net Weight," appearing on the tags attached to the sacks containing portions of the said article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of protein, and that the sacks containing the said portions each contained 100 pounds of the article; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein and that the sacks containing the said portions each contained 100 pounds of the article; whereas the said article contained less than 43 per cent of protein, and the sacks in certain consignments contained less than 100 pounds. Misbranding was asleged with respect to the said portions of the article for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 2, 1931, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$70.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18894. Adulteration of canned salmon. U. S. v. 2,487 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26957. I. S. No. 22332. S. No. 5172.)

Samples of canned salmon from the shipment herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Washington.

On September 9, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 2,487 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Kadiak Fisheries, from Kodiak, Alaska, on or about July 24, 1931, and had been transported from Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 3, 1931, the Kadiak Fisheries Co., Kodiak, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or other existing laws, and further conditioned that the good portion be separated from the cans containing decomposed material, and that the portion which was not adulterated be released and the remainder destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18895. Adulteration of Antipasto. U. S. v. 193 Cases of Antipasto. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26780. I. S. Nos. 33889, 33890. S. No. 4896.)

Samples of a food product, known as Antipasto, from the lot herein described having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On July 7, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 193 cases of Antipasto at New York, N. Y., alleging that the article had been imported from Italy, a portion having been entered December 9, 1930, and the remainder January 20, 1931, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "L'Excelsior Degli Antipasti Il Sole Italie Fili Garosci di Giovanni Preserved Fish and Pickles Antipasto Torino Italy * * * Confezionate in conformita alle norme vigenti. Tonno-Funghi-Olive-Cipolline-Cetrioli-in Salsa."